IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1514 OF 2007

M/s.Cheers N Joy .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Ms.A.S.Gondhalekar with Mr.A.K.Bakshi for the petitioner.
Mr.Shekhar Ingale AGP for respondent no.1.
Mrs.Sharmila Modle for respondent nos.2 and 3.
Mr.K.K.Malpathak for respondent no.4.

CORAM : D.B.BHOSALE, J.
DATED : 7TH AUGUST, 2007.

P.C.:

. Heard learned counsel for the parties.

2. Mr.Gondhalekar, learned counsel for the petitioner submits that she has instructions not to press this petition and the petitioner may be given liberty to approach the society seeking their no objection for allowing them to retain temporary shed erected by them with the permission of the Corporation. Mr.Malpathank, learned counsel for the respondent-society submits that the society has no objection for granting such liberty. However, he submits that the decision whether to grant no objection or not will be taken by the Managing Committee of the society. Mrs.Modle, learned counsel

for the respondent-corporation submits that the corporation has already revoked the permission granted to the petitioner in view of the objection raised by the society. She further invited my attention to the Indemnity Bond and submitted that the petitioner had given an undertaking that he would remove the temporary shed if the society raises objection. Considering the overall facts and circumstances of the case and the submissions advanced by the learned counsel for the parties I am satisfied that the following order shall meet the ends of justice:

(i) The petitioner to apply to the respondent-society seeking their no objection for allowing them to retain the temporary monsoon shed erected by him with the permission of the Corporation within 10 days from today. On such representation being made the society shall take appropriate decision within a period of two weeks therefrom. If the society grants no objection, the petitioner to approach the Corporation within a week therefrom with the NOC of the society. The concerned officer of the Corporation may take appropriate decision within a week thereafter. In that event the impugned letter of the Corporation revoking the permission shall render ineffective and the concerned officer of the

Corporation will take fresh decision as aforesaid.

(ii) In the event the Corporation do not hear anything from the petitioner or from the society for a period of six weeks from today or the society refuses to grant NOC, it will be open for them to act on the impugned letter of revocation and take action of demolition if the temporary shed is not removed by the petitioner.

. With these observations the writ petition is disposed of. While parting, I observe that the Corporation while granting such permissions, as far as possible should insist for no objection from the society or the landlord before the permission is granted, whenever a permission is sought by a member/tenant in the housing society/building.

(D.B.BHOSALE, J.)